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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/111,578	07/08/1998	OSAMU MAEDA	P--8F3MG	5971

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EXAMINER

LUU, THANH X

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 03/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/111,578

Applicant(s)

MAEDA, OSAMU

Examiner

Thanh X Luu

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 8-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to amendments and remarks filed December 4, 2001. Claims 1, 2 and 8-27 are currently pending.

Response to Amendment

1. In response to the amendment and remarks filed December 4, 2001, Examiner requests that Applicant submit an affidavit under 37 CFR 1.132 providing evidence and explaining why the prior art designation of Figures 4 and 5 should no longer be considered Applicant's admitted prior art.

Applicant uses the same numerical labels in Figures 4 and 5 as in prior art Figures 2 and 3. It is not until Applicant describes Figure 1, the one embodiment of Applicant's invention, that Applicant uses different numerical labels. Thus, it appears that Figures 4 and 5 are indeed admitted prior art.

2. The amendment filed December 4, 2001 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Figures 4 and 5 being designated as showing a configuration in accordance to Applicant's invention. That is, Applicant has now added the descriptions of Figures 4 and 5 as pertaining to Applicant's invention; such descriptions were drawn previously to prior art, thus, new matter has been added.

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

3. Figures 2 and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the leading end and the entraining end of the magnetic tape of claims 1, 26 and 27, a second light receiving element of claims 18-21, the light emitting element and the two receiving elements arranged on one substrate of claims 22-25 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 1, 26 and 27 are objected to because of the following informalities:

In claims 1, 26 and 27, it is unclear how the leading end and the entraining end of a magnetic tape is detected by emitting light from the light emitting element. The light receiving element only receives light from the reel. The functional relationship between tape detection (of claims 18-21) and the leading end and the entraining end is also unclear. In addition, it is unclear from its given context that the light emitted from the

light emitting element is split by the light guiding member into a light for end detection and a light for reel detection.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2 and 8-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (Figures 2 and 3), hereinafter, AAPA in view of Higuchi et al. (U.S. Patent 5,311,030).

Regarding claims 1, 2, 8, 9, 18-21, 26 and 27, AAPA (Figure 3) discloses a light emitting element (41) for emitting light used to detect the leading or entraining end of a magnetic tape within a cassette, a light guiding member (52) for guiding the light from the light emitting element into the cassette for conducting leading and entraining end detection, and for directly guiding the light onto the side of a reel (12), a light receiving element (51) properly aligned for receiving light guided onto the side of the reel, a light guiding portion or screening portion (12) provided on the reel; the light emitting element is provided under the deck chassis; and the light guiding member guides the light from the light emitting element to the light receiving element under the deck chassis by way of the light passing or screening portion. Thus, as demonstrated by AAPA, a reel rotation and detection mechanism for a video cassette deck are notoriously well known.

AAPA (Figure 3) also discloses the light guiding member having a pillar portion (52) extending through the deck chassis to guide the light from the light emitting element into the cassette (not shown) and a branch portion extending sideways to illuminate the light receiving element. However, AAPA do not specifically disclose the reel detection mechanism as consisting of a light path from the light emitting element below the deck chassis to a point above the deck chassis and directed by way of a light passing portion on the reel when aligned with an opening portion on the deck chassis to the light receiving element under the deck chassis. But, such a modification is simply a translation of the detector (51 of Figure 3) from being above the deck chassis to being disposed below the deck chassis and redirecting the light down towards the detector. Furthermore, Higuchi et al. teaches (see Figure 4) disposing the light receiving element below the deck chassis and providing a guiding member to direct light to the light receiving element. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to dispose the light receiving element below the deck chassis in AAPA (Figure 3) in view of Higuchi et al. since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Also, it would have been obvious to locate the detector below the chassis in order to simplify control circuitry for the detector. Further, Higuchi et al. disclose (see Figure 4) an opening in the deck chassis for transmitting light towards the light receiving element and a light receiving element for tape detection disposed under the deck chassis.

Regarding claims 10-17 and 22-25, AAPA (Figure 3) further discloses the disk

portion of the reel having a light passing or screening portion (12, 54) and the branch portion opposite from the above of the passing or screening portion. The branch portion (reflector) of AAPA partial coextends toward the passing or screening portion. Higuchi et al. teaches disposing the light emitting element and the light receiving element on one substrate below the chassis. It would require only routine skill in the art and would have been obvious to a person of ordinary skill in the art at the time the invention was made to dispose the light receiving element of AAPA (Figure 3) in view of Higuchi et al. below the deck chassis as desired in order to simplify the control circuitry located on the substrate.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 2 and 8-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2878

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seungsook Ham, can be reached on (703) 308-4090. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl
March 27, 2002



Que T. Le
Primary Examiner